

REMARKS

Favorable reconsideration of this application, in light of the following discussion and in view of the present amendment, is respectfully requested.

Claims 1, 2, 14, 21 and 23 are amended. Claims 1-24 are pending in the application.

Entry of Amendment under 37 C.F.R. § 1.116

The Applicant requests entry of this Rule 116 Response because: the amendments were not earlier presented because the Applicant believed in good faith that the cited references did not disclose the present invention as previously claimed; and the amendment does not significantly alter the scope of the claim and places the application at least into a better form for purposes of appeal.

The Manual of Patent Examining Procedures (M.P.E.P.) sets forth in Section 714.12 that “any amendment that would place the case either in condition for allowance or in better form for appeal may be entered.” Moreover, Section 714.13 sets forth that “the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified.” The M.P.E.P. further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

I. Rejection under 35 U.S.C. § 112

In the Office Action, at page 2, claims 1-24 were rejected under 35 U.S.C. § 112, 2nd paragraph as being indefinite. Independent claims 1, 14, 21 and 23 are amended, and accordingly, withdrawal of the § 112, 2nd paragraph rejection is respectfully requested.

II. Rejections under 35 U.S.C. § 102

In the Office Action, at page 2, claims 1-13 were rejected under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent No. 3,270,740 to Koos, Jr. This rejection is respectfully traversed because Koos does not discuss or suggest a bread maker having a main body and a heating system, the main body including:

a main frame disposed above the base frame to form an oven compartment with a front opening, the oven compartment accommodating an oven and a kneading system to knead dough within the oven compartment; and

a reinforcing member mounted to the main frame to reinforce the main frame;

wherein the heating system generates heat in the oven to make bread from the dough.

as recited in amended independent claim 1.

As a non-limiting example, the present invention as set forth in claim 1, for example, is directed to a bread maker that includes a main body and a heating system. The main body includes a base frame and a main frame disposed above the base frame, forming an oven compartment. The oven compartment accommodates an oven and a kneading system to knead dough within the oven compartment. The main body includes a reinforcing member that is mounted to the main frame and reinforces the main frame, securing the main frame against high temperature generated in the oven, against vibration due to the kneading drums and noise due to the vibration. The heating system generates heat in the oven to make bread from the dough.

Koos discusses an apparatus for heating frozen foods that is a portable-type oven. The oven includes a base plate 10 secured to a cover member 20. A baffle 30 is secured to cover member 20 immediately above the base plate 10. A tray 36 used to retain food is slid onto the baffle 30. A liner 57 having a similar shape to the cover 20 is placed within the cover immediately above baffle 30 for insulation purposes, and the liner 57 includes front and rear spacing rims 58 and 59.

Koos is not a bread maker and does not include a main frame disposed above a base frame to form an oven compartment that accommodates an oven and a kneading system to knead dough within the oven compartment. The tray 36 merely holds food. The combination of liner 57, base baffle 30, tray 36 and base plate 10 form a compartment, but the combination is only set atop a heater and does not incorporate a heater or heating system as a part of the device or within the compartment. Koos further does not discuss a kneading system for kneading dough. The Examiner refers to spacing rims 58 as the reinforcing members, but the spacing rims 58 are merely provided to, presumably, space the cover 20 from the liner 57. It is unclear as to how spacing rims provide for reinforcement of the main frame when the spacing rims 58 merely appear to support cover 20. It is unclear how rims that space one piece from another provide for reinforcement of the first piece, here, the main frame. Additionally, Koos does not incorporate a heating system into the device in order to generate heat in the oven to make bread from dough. The apparatus of Koos does not generate its own heat in order to make bread from dough, but merely provides an apparatus to hold food within the apparatus and allow food to be heated by the stove.

Therefore, as Koos does not discuss or suggest a bread maker including "a main frame disposed above the base frame to form an oven compartment with a front opening, the oven

compartment accommodating an oven and a kneading system to knead dough within the oven compartment; and a reinforcing member mounted to the main frame to reinforce the main frame; wherein the heating system generates heat in the oven to make bread from the dough," as recited in amended independent claim 1, claim 1 patentably distinguishes over the reference relied upon. Accordingly, withdrawal of the § 102(b) rejection is respectfully requested.

Claims 2-13 depend either directly or indirectly from independent claim 1 and include all the features of claim 1, plus additional features that are not discussed or suggested by the reference relied upon. For example, amended claim 2 recites that "the reinforcing member supports the oven by contacting a bottom of the oven." Therefore, claims 2-13 patentably distinguish over the reference relied upon for at least the reasons noted above. Accordingly, withdrawal of the § 102(b) rejection is respectfully requested.

In the Office Action, at page 2, claims 14-24 were rejected under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent No. 5,874,714 to Sik. This rejection is respectfully traversed because Sik does not discuss or suggest a bread maker having a heating system, including:

a main frame disposed above a base frame to form an oven compartment and a component compartment accommodating an oven and a kneading system to knead dough within the oven compartment;

a reinforcing member mounted to the main frame to reinforce the main frame;

wherein the heating system generates heat in the oven to make bread from dough,

as recited in amended independent claims 14, 21 and 23.

Sik further does not discuss or suggest:

a reinforcing member extending horizontally and in contact with the left and right frames of the oven compartment to reinforce the main frame,

as recited in amended independent claim 21 and does not discuss or suggest:

at least one auxiliary reinforcing member extending horizontally and in contact with the left and right frames of the oven compartment to reinforce the main frame,

as recited in amended independent claim 23.

Sik discusses a microwave oven that prevents heat damage to an electric power cord. The microwave oven includes an inner case 10 and an outer case 20 forming a housing

assembly. The inner case 10 includes a front plate 11, a rear plate 12, a left side plate 13, a right side plate 14, and a bottom plate 16, which form a cooking chamber 100. The front plate 11 includes an upper extending plate portion 11a, a left extending plate portion 11c and a right extending plate portion 11d. Edges of the top, left and right plates of the outer case are coupled to edges of the extending plate portions of the front and rear plates 11 and 12 of the inner case 10 to form the main body of the microwave oven.

First, Sik does not discuss or suggest that the device is a bread maker that includes a heating system and further includes an oven and a kneading system within an oven compartment of the bread maker. Sik discusses a microwave oven that isolates a power cord from hot components. Sik does not suggest a kneading system that kneads dough, nor does Sik suggest that heat is generated in the oven to make bread from the dough.

Second, the Examiner alleges that the front plate 11 and the rear plate 12 correspond to reinforcing members. Plates 11 and 12 are merely components of the inner case 10, which forms the housing with the outer case 20. The front plate 11 and the rear plate 12 are merely sides of the inner case 10, which, with additional plates, forms a cooking chamber 100. The front 11 and rear plates 12 are not reinforcing members mounted to the main frame to reinforce the main frame. The front 11 and rear plates 12 are merely parts that form the cooking chamber 100, but do not reinforce or provide any additional support to the outer case 20. The outer case 20 sits on top of the front and rear frames 11 and 12 of the inner case 10, but the front and rear frames 11 and 12 provide no reinforcement of the outer case 20. Reinforcement requires additional strengthening of the material in question with some added piece, support or material. Front and rear frames 11, 12 do not strengthen or provide additional support to the outer case 20. The front and rear frames 11, 12 merely provide rims upon which the outer case 20 may be set, in order to form a chamber.

In addition, with respect to claim 21, Sik does not discuss or suggest a reinforcing member that extends horizontally and is in contact with the left and right frames of the oven compartment to reinforce the main frame. There is no reinforcement of the main frame by the plates 11 and 12 cited by the Examiner to correspond to reinforcing members. Specifically, as the Examiner has alleged that the outer case 20 is the main frame, it is unclear as to how front and rear frames 11, 12 extend horizontally and in contact with left and right frames of the oven compartment to reinforce the main frame. Further, Sik does not suggest that an auxiliary reinforcing member extends horizontally and in contact with left and right frames of the oven compartment to reinforce the main frame, as recited in claim 23.

Therefore, as Sik does not discuss or suggest "a main frame disposed above a base frame to form an oven compartment and a component compartment accommodating an oven and a kneading system to knead dough within the oven compartment; a reinforcing member mounted to the main frame to reinforce the main frame; wherein the heating system generates heat in the oven to make bread from dough," as recited in amended independent claims 14, 21 and 23, does not discuss or suggest "a reinforcing member extending horizontally and in contact with the left and right frames of the oven compartment to reinforce the main frame," as recited in amended independent claim 21," and does not discuss or suggest "at least one auxiliary reinforcing member extending horizontally and in contact with the left and right frames of the oven compartment to reinforce the main frame," as recited in amended independent claim 23, claims 14, 21 and 23 patentably distinguish over the reference relied upon. Accordingly, withdrawal of the § 102(b) rejection is respectfully requested.

Claims 15-20, 22 and 24 depend either directly or indirectly from independent claims 14, 21 and 23 and include all the features of their respective independent claims, plus additional features that are not discussed or suggested by the reference relied upon. For example, claim 22 recites that "the reinforcing member is disposed beneath the oven compartment." Therefore, claims 15-20, 22 and 24 patentably distinguish over the reference relied upon for at least the reasons noted above. Accordingly, withdrawal of the § 102(b) rejection is respectfully requested.

Conclusion

In accordance with the foregoing, claims 1, 2, 14, 21 and 23 have been amended. Claims 1-24 are pending and under consideration.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.


Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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